

**MINUTES
OPTOMETRY
UTAH
LICENSING BOARD
MEETING**

November 30, 2005

**Room 4B – 4th Floor – 9:00 A.M.
Heber Wells Building**

CONVENED: 9:00 A.M.

ADJOURNED: 11:35 A.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Dane F. Dansie, OD
Bill G. Codner, OD, Chairperson
Bonnie Barker Rice
Wendy D. Gibbs
Russell W. Purdy, OD

Board Members Absent:

D. Lee Tanner, OD
Jeffrey H. Seeholzer, OD

Guests:

Annette Mahler, Utah Ophthalmology Association

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Introduction of current Bureau Manager

Noel Taxin, Bureau Manager, was introduced to the Board. **Board members welcomed Ms. Taxin.**

Swearing in of Dr. Russell W. Purdy as a Board Member

Ms. Taxin conducted the swearing in of Dr. Purdy. **Board members welcomed Dr. Purdy.**

Read and approve the February 8, 2005 Minutes.

Dr. Dansie made a motion to approve the minutes as read. Ms. Rice seconded the motion. **The Board vote was unanimous.**

NEW BUSINESS:

APPOINTMENTS:

10:00 A.M.

Rick Robison, Reinstatement

Dr. Robison met for his appointment.

Board members and Division staff were introduced to Dr. Robison.

Dr. Codner conducted the interview.

Dr. Robison submitted a copy of his court documents for his file. Dr. Robison distributed and read a letter requesting the Board to consider reinstatement of his Optometry license.

Dr. Robison requested the Board to consider Dr. Bruce Brewer and/or Dr. Art Holloway to supervise his practice. Dr. Robison stated he has talked with both Optometrists regarding supervision if he is granted a probationary license and both have agreed to supervise. Dr. Robison stated that he would prefer Dr. Holloway as he has know Dr. Holloway on a more personal level.

Dr. Dansie asked if Dr. Brewer and Dr. Holloway are employed by Dr. Robison's father.

Dr. Robison responded that he was not sure if they were employed by his father, but both work with his father at the Wal-Mart facility on 5600 South. Dr. Robison stated that Wal-Mart is the employer and Wal-Mart pays each Optometrist directly at the end of each day. Dr. Robison commented that his father only works part-time.

Dr. Codner asked how many hours a week Dr. Robison is anticipating working.

Dr. Robison responded that he would like to work 30 to 40 hours a week. Dr. Robison stated that some shifts are in the morning and some shifts are in the afternoon and he did not know what shift he would be assigned.

Dr. Codner asked if Dr. Robison anticipated any difficulties with a restricted Optometry license and not having a Controlled Substance (CS) license.

Dr. Robison responded that he anticipated a restricted

Optometry license and would not need a CS license. Dr. Robison stated that he has talked with his father who does not have the CS license regarding the CS license and his father stated that the CS license is not needed in most cases.

Ms. Taxin asked if Dr. Robison has a preference on which Optometrist he would like to be his supervisor.

Dr. Robison responded that he does not know Dr. Brewer very well and would prefer Dr. Holloway as he knows him and his skills.

Dr. Robison stated that he would like to go back to private practice at a later date and thought working in the commercial setting of Wal-Mart would be a good stepping stone toward private practice.

Dr. Dansie made a motion for Rick Robison to submit an application for a probationary license. Ms. Barker Rice seconded the motion. The Board vote was unanimous.

Dr. Codner explained to Dr. Robison that he may submit the application for the Division to review and Ms. Taxin will then prepare a Stipulation and Order for Dr. Robison to sign.

Ms. Taxin stated that the Stipulation and Order will include, but not be limited to, probably a 3 year probationary license, drug testing, require supervision under Dr. Bruce Brewer with Dr. Art Holloway as a backup supervisor when Dr. Brewer is out of town with monthly reports for the first 6 months and then quarterly reports, require Dr. Robison to meet quarterly with the Board. Ms. Taxin further stated that there will probably be a clause regarding should Dr. Robison test positive on a drug test he will be required to surrender his license. Ms. Taxin stated that the Division would waive the application fee as Dr. Robison has submitted several applications and the fees each time.

Dr. Robison thanked the Board and Ms. Taxin for the consideration and recommendation.

CORRESPONDENCE:

Phillip C. Hoopes, MD, Correspondence

The Board reviewed Dr. Hoopes letter and attachment regarding New Patient Acquisition Schemes.

The Board determined the information is stating they are charging a specific fee for specific services, however, other agencies and professionals may determine appropriate fees for their services.

Heart of America Contact Lens Society CE

The Board reviewed the Heart of America Contact Lens Society CE information. The Board commented that Utah will accept only COPE and CME approved continuing education.

DISCUSSION ITEMS:

Board Chairperson

Ms. Barker Rice made a motion for Dr. Codner to continue as Board Chairperson. Dr. Dansie seconded the motion. **The Board vote was unanimous.**

Optometrists Providing Botox Treatments

Ms. Taxin stated that an investigator had called her regarding the issue of Optometrists providing Botox treatments. Ms. Taxin asked the Board if the use of Botox was a standard practice and if the use of Botox should be included in the rules.

Dr. Codner responded that Botox is primarily used for treating Strabismus, Pre-Existing Neuromuscular Disorders, Dysphagia and Blepharospasm. Dr. Codner stated that there is a trend for Botox to be used for cosmetic purposes and people using and receiving Botox need to be aware of the risks. Dr. Codner stated that the use of Botox is within the scope of practice of the Optometrist.

Contact Lens

Dr. Codner reported that President Bush has signed a declaration that contact lens are considered medical devices and not a cosmetic. Dr. Codner stated that distribution of contacts will require a prescription whether the contacts are for cosmetic purposes or for prescriptions lens.

Interstate Licensing

Dr. Dansie reported that licensure mobility has been discussed at great length at the national ARBO

meetings. Dr. Dansie stated that a committee has been formed, Council on Endorsed Licensure Mobility for Optometrist (CELMO), to establish and develop criteria.

Dr. Codner commented that the requirements of CELMO is above the Utah requirements.

Dr. Codner recommended Board members review the information and be prepared for further discussion at the next scheduled Board meeting.

Ms. Taxin responded that she will also contact the Division attorneys to review the information.

Tentative 2006 Board Meeting Schedule

The Board noted the following dates for the 2006 schedule: April 5 and November 30, 2006

Schedule Changes

Due to having a probationer, the Board recommended the 2006 Board meetings be scheduled for April 5, July 17 and October 23, 2006 and cancel the November 30, 2006 date.

Legislative Issues

Nothing at this time.

Continuing Education (CE)

Dr. Dansie asked the Board if COPE approved readings of journals would be accepted for CE.

The Board reviewed the law and rule and determined COPE approved means COPE approved.

Dr. Russell asked if CPR or BCLS is a CE requirement for renewal.

The Board reviewed the law and rule and responded that CPR or BCLS is a requirement for initial licensure and may be used for a maximum of 2 hours for renewal if the licensee has certified or recertified.

NEXT MEETING SCHEDULED FOR:

April 5, 2006

MEETING ADJOURNED AT:

11:35 A.M.

Date Approved

Chairperson, Utah Optometry Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing